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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ERLINDA REYES,

Plaintiff,

v.

KILOLO KIJAKAZI, Acting  
Commissioner of Social Security,

Defendant.

Case No. 1:21-cv-00302-EPG

ORDER RE: STIPULATION FOR THE AWARD  
AND PAYMENT OF ATTORNEY FEES AND  
EXPENSES PURSUANT TO THE EQUAL  
ACCESS TO JUSTICE ACT

(ECF No. 22)

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees and expenses in the amount of SIX THOUSAND FOUR HUNDRED AND TWENTY DOLLARS AND 37/100 (\$6,420.37) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and costs in the amount of FOUR HUNDRED DOLLARS AND 00/100 (\$400.00) under 28 U.S.C. §1920. This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920, 2412(d).

After the Court issues an order for EAJA fees to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees to counsel. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor the assignment will depend on whether the fees are subject to any offset allowed under the United States Department of the Treasury's Offset Program. After the order for EAJA fees is entered, the government will determine whether they are subject to any offset.

1 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that  
2 Plaintiff does not owe a federal debt, then the government shall cause the payment of fees, expenses  
3 and costs to be made directly to Counsel, pursuant to the assignment executed by Plaintiff. Any  
4 payments made shall be delivered and made payable to Plaintiff's counsel, Jonathan O. Peña.

5 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney  
6 fees, and does not constitute an admission of liability on the part of Defendant under the EAJA or  
7 otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to, any  
8 and all claims that Plaintiff and/or Counsel including Counsel's firm may have relating to EAJA  
9 attorney fees in connection with this action.

10 This award is without prejudice to the rights of Counsel and/or Counsel's firm to seek Social  
11 Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the  
12 EAJA.

13 Respectfully submitted,

14 Dated: May 11, 2023

15 /s/ Jonathan O. Peña  
16 JONATHAN O. PEÑA  
Attorney for Plaintiff

17 Dated: May 11, 2023

18 PHILLIP A. TALBERT  
19 United States Attorney  
20 MATHEW W. PILE  
Associate General Counsel  
Office of Program Litigation  
Social Security Administration

21 By: \* Thomas E. Chandler  
22 Thomas E. Chandler  
23 Special Assistant U.S. Attorney  
24 Attorneys for Defendant  
25 (\*Permission to use electronic signature  
26 obtained via email on May 11, 2023).  
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**ORDER**

Based upon the parties' stipulation (ECF No. 22), IT IS ORDERED that fees and expenses in the amount of SIX THOUSAND FOUR HUNDRED AND TWENTY DOLLARS AND 37/100 (\$6,420.37) as authorized by the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and costs in the amount of FOUR HUNDRED DOLLARS AND 00/100 (\$400.00) under 28 U.S.C. §1920, be awarded subject to the terms of the stipulation.

IT IS SO ORDERED.

Dated: May 15, 2023

/s/ Eric P. Grogan  
UNITED STATES MAGISTRATE JUDGE